

- SUBJECT:** Definitions of sex offender, sex offender treatment providers
- COMMITTEE:** Corrections — favorable, without amendment
- VOTE:** 5 ayes — Madden, Hochberg, McReynolds, Haggerty, Jones  
0 nays  
2 absent — Dunnam, Oliveira
- WITNESSES:** For — Daniel Arredondo; Alice Baker; Jeffery A. Clark; Lawrin Dean; (*Registered, but did not testify:* Torie Camp, Texas Association Against Sexual Assault; Susie Shields, Texas Association for Marriage and Family Therapy; Ben Boaz, Richard Calderon; Beverly Elam; Lisa Gabbert; Rona Stratton Smith; Peggy Tipton)  
  
Against — Steve Bresnen, Federation of Texas Psychiatry; Jan Friese, Texas Counseling Association; Carol Miller, The National Association of Social Workers/Texas Chapter; Paul Andrews; (*Registered but did not testify:* Mark J. Hanna, Texas Society for Clinical Social Work; Aaron Robb)  
  
On — Allison Taylor, Council on Sex Offender Treatment; (*Registered but did not testify:* Walter Meyer, Council on Sex Offender Treatment)
- BACKGROUND:** Under Occupations Code, sec. 110.301(a), persons may not provide a rehabilitation service or act as a sex offender treatment provider unless licensed by the Council on Sex Offender Treatment under Occupations Code, ch. 110.  
  
The chapter defines sex offenders as persons who:
- have been convicted of a sex crime under state or federal law or been given deferred adjudication for a sex crime under state or federal law;
  - admit to having violated state or federal law with regard to sexual conduct; or
  - experience or evidence a paraphiliac disorder as defined by the Revised Diagnostic and Statistical Manual.

Sex offender treatment provider is defined as someone who is licensed or certified to practice in Texas and who provides mental health or medical services for the rehabilitation of sex offenders. The term includes physicians, psychiatrists, psychologists, licensed professional counselors, licensed marriage and family therapists and social workers.

**DIGEST:**

HB 2034 would revise the definition of sex offender and sex offender treatment provider in the current statutes requiring licensure for certain persons providing treatment to sex offenders.

The bill would revise the definition of sex offender to include being convicted, adjudicated, or being awarded deferred adjudication for an offense that was based on sexually motivated conduct. The bill would eliminate from the current definition the criteria dealing with admitting to having violated certain laws regarding sexual conduct and the criteria describing experiences or evidences of paraphiliac disorders.

The definition of sex offender treatment provider would be revised to include persons licensed by the council and recognized based on training and experience to provide assessment and treatment to adult sex offenders and juveniles with sexual behavioral problems who have been convicted, adjudicated, given deferred adjudication or referred by a state agency or court. The current criteria listing certain types of licensees who provide mental health or medical services would be eliminated.

The bill would take effect September 1, 2007.

**SUPPORTERS  
SAY:**

HB 2034 would revise the practice act for sex offender treatment providers that was enacted in 2005 to better define who is a sex offender to clarify who must receive a license. These changes reflect definitions now used in council rules.

The revised definition of sex offender would eliminate language that has proved to be too broad and institute more a more narrowly targeted definition to include the type of criminal offenders who may be a threat to public safety and whose treatment should fall under the purview of the Council on Sex Offender Treatment. This narrower definition would exclude persons who may have certain type of sexual tendencies such as fetishes but which are not the same as criminal offenses.

Under the bill, the definition of sex offender treatment provider would be more narrowly focused on those who provide assessment and treatment than on those who provide the more general category of mental health or medical services.

HB 2034 would improve and continue the necessary state efforts in licensing sex offender treatment providers to ensure they have the proper education and training to treat these offenders. HB 2034 would make sure that sex offender treatment providers continue to receive the proper training and education because evidence-based research treatments and industry best practices essential to sex offender treatment are not necessarily the same when used in other types and therapy. Statistics have shown that offenders receiving treatment from licensed sex offender treatment providers have lower recidivism rates than offenders getting other types of treatment. The bill would not present any conflicts with other licensing statutes or practices and concerns about these issues are not related to this bill.

**OPPONENTS  
SAY:**

The changes in HB 2034 would continue a flawed system that requires certain licensed, trained professionals, such as medical doctors, to go through the Council on Sex Offender Treatment and to potentially have a state agency dictating certain treatments. This system also can lead to conflicts with another license held by treatment providers. Continuing to impose the specific licensure requirements found in HB 2034 for sex offender treatment providers could exclude some qualified providers from providing treatment.